

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

A.C. Steelman, et al.,

NO. C 08-03273 JW

Plaintiffs,

v.

Marlon Eugene Hettinger,

Defendant.

**ORDER HOLDING DEFENDANT IN  
CONTEMPT OF COURT AND  
DIRECTING CLERK OF COURT TO  
ISSUE WRIT OF EXECUTION FOR  
SEIZURE OF DOCUMENTS;  
INSTRUCTIONS TO U.S. MARSHAL TO  
TURN OVER SEIZED DOCUMENTS FOR  
PRIVATE AUDIT**

On July 10, 2009, the Court issued an Order directing Defendant Marlon Eugene Hettinger, dba, Hettinger Electric, to appear before the Court and to show cause, if any, why he should not be held in contempt for failure to adhere to the Court's May 15 Order. (See Docket Item Nos. 16-24.) On October 19, 2009, the Court conducted a hearing on this case and Defendant failed to appear or provide any explanation for his failure to comply with the Court's May 15 Order, which adopted Magistrate Lloyd's Report and Recommendation, and required Defendant to produce documents for audit. (See Docket Item Nos. 16-17.)

Accordingly, the Court finds Defendant in contempt of this Court for his failure to appear and for his failure to comply with its May 15 Order.

The Clerk of Court shall issue a writ of execution to the United States Marshal directing the Marshal to enter the premises of Defendant, Hettinger Electric, located at 3055 Ark Way, Cottonwood, CA 96022, and to seize the documents and records listed in this Order. Upon seizure, the Marshal shall deliver the document to Steve Whetzel at 4125 Moore Ave., Suite B, Pleasanton,


CA 94566-4749 for purposes of producing an audit for use by the Court in conducting further proceedings in this case.

The United States Marshal shall seize the following:

- (1) A copy of the state payroll contribution returns and reports of wages (form DE-6, DE-6B and schedules) for the quarters ended March 31, 2005 through March 31, 2008;
- (2) Employee time cards for Local I.B.E.W. members;
- (3) Payroll journals;
- (4) Individual earnings records;
- (5) Union reports for all other trades, if applicable;
- (6) For years 2005, 2006, 2007 and 2008, copies of federal forms W-2 filed;
- (7) For years 2005, 2006, 2007 and 2008, copies of federal forms 1099 filed;
- (8) If not indicated by the payroll journals, a master listing of all employees and their job classifications;
- (9) Payroll bank account statements and canceled checks for January 1, 2006 through December 31, 2008;
- (10) General bank account statements and canceled checks for January 1, 2006 through December 31, 2008;
- (11) General ledger, job cost journals and general account check registers for January 1, 2006 through December 31, 2008.

The Court reserves its decision with respect to punishment of Defendant for his contempt pending return of the Writ of Execution.

Dated: October 23, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Sue Campbell suecampbell@att.net

4 **Dated: October 23, 2009**

**Richard W. Wieking, Clerk**

By: /s/ JW Chambers

**Elizabeth Garcia**  
**Courtroom Deputy**

**United States District Court**

For the Northern District of California